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October 28, 2020

Erica Erickson
Pisgah Cat Café, LLC
Pisgah PAWS Cat Café and Emporium
Transylvania Black Cat Rescue Coven
Pisgah Animal Welfare Society (PAWS), Inc.
190 N. Broad Street
Brevard, NC 28712

NOTICE OF WARNING

**RE: N.C.G.S § 19A-26 Certificate of Registration Required for Operation of an Animal Shelter
N.C.G.S § 19A-27 License Required for Operation of Pet Shop**

AWS-WL-2020-5

Dear Ms. Erickson:

On August 10, 2020, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning a significantly ill kitten purchased/adopted from 190 North Broad Street, Brevard, North Carolina 28712 ("the facility"). The paperwork provided by the complainant show the animal was adopted from Pisgah Animal Welfare Society ("PAWS") located at 190 North Broad Street, Brevard, NC. Based on the information in the complaint AWS initiated an investigation.

The investigation included:

1. A review of the information provided by the complainant;
2. A review of the AWS Facility Inspection ("FCI") reports, disciplinary actions against and Settlement Agreements with PAWS, Ms. Erica Erickson ("Ms. Erickson"), and/or Pisgah PAWS Cat Café and Emporium; and
3. On September 1, 2020, AWS obtained and executed an Administrative Inspection Warrant for a Particular Condition or Activity ("the administrative warrant") for the facility located at 190 North Broad Street, Brevard, North Carolina 28712.

The investigation findings include:

1. The two volunteers present at the time AWS arrived at the facility on September 1, 2020 to serve the administrative warrant refused to open the front door or acknowledge AWS's presence other than to use their cell phones;
2. Eventually, AWS was granted access to the facility by another volunteer that arrived on the premises;

3. A minimum of 114 live and 3 dead cats and kittens were observed at the facility;
4. The 3 dead kittens were found on top of a plastic dog crate beside several freshly opened cans of cat food;
5. Numerous cats and kittens were visibly suffering from an Upper Respiratory Infection ("URI"). The severity of infection varied from moderate to severe;
6. Some of the kittens had patchy alopecia (hair loss) consistent with a ringworm infection;
7. A significant, foul odor was noticeable at the front of the building before it was opened to allow entry. This odor of feces and urine was extremely strong in all areas within the building;
8. Minimal to no ventilation could be detected within the building and the ambient temperature was very high;
9. Several cats were loose within the store and rear portions of the facility. At least one of the cats had access to the area where the pre-packaged food (for human consumption) was kept;
10. Near the counter with the pre-packaged food was a medium-sized wire crate with a large amount of biological matter which appeared to be diarrhea from a dog. No dog was on the premises. A back room also had accessories typical for housing a dog: large blanket, large metal water bowl, food bowl with dry dog kibble in it, etc.;
11. A very thin cat loose in the area with the couch showed significant neurological signs that affected the cat's mobility. This cat also appeared to be suffering from an URI;
12. Two cat traps were observed in the store and rear areas that were open and baited with cat food;
13. Many of the litter boxes were overly soiled with feces and had dried feces caked on the outside of the box as well as on the inside;
14. Within the store area, which is accessible to the public when the facility is opened, were several bottles of medication, some unlabeled, along with dirty syringes (without needles) with medication dried on the inside and outside;
15. After the inspection allowed by the administrative warrant was underway, Ms. Erickson arrived. AWS Director, Patricia Norris, DVM, MS ("Dr. Norris") walked towards the front of the store once she was notified of Ms. Erickson's arrival. Ms. Erickson initiated the first conversation. In these conversations, Dr. Norris listened to Ms. Erickson and learned the following:
 - a. Ms. Erickson stated that the administrative warrant was invalid (in her opinion) because, "the cat café was not an animal shelter."
 - b. Ms. Erickson further declared that, "all of the cats on the premises were owned by the Cat Café, LLC" which was now registered as a "for-profit" business, not a non-profit organization, and therefore, she claimed the facility no longer met the definition in the NC Animal Welfare Act ("AWA") of an "animal shelter;"
 - c. Dr. Norris stated that if the animals were now owned by a "for-profit" business, then the facility was operating as a "pet shop" according to the AWA;
 - d. As Dr. Norris attempted to explain that, in accordance with the AWA, pet shops were required to be licensed, Ms. Erickson interrupted and stated, "this is not a pet shop." Ms. Erickson then walked away ending the conversation;
 - e. Later Dr. Norris approached the counter where Ms. Erickson was standing. Dr. Norris explained that she was going to review the facility's paperwork as specifically authorized by the administrative warrant. At this time, Ms. Erickson repeatedly claimed all of the animals on the premises were her personally owned animals. Ms. Erickson stated that she was now staying on the premises, so she had moved her personal pets in with her to live at the facility. Dr. Norris requested that Ms. Erickson

show her the paperwork that documented the transfers of all of the cats to Ms. Erickson personally. Ms. Erickson stated there was no paperwork on the premises and that Dr. Norris could get the information from her attorney;

- f. When Dr. Norris informed Ms. Erickson that she was going to review the paperwork authorized by the administrative warrant concerning the intake information, care documentation, adoption and/or other disposition information for the animals, etc., Ms. Erickson stated that there was no such paperwork on the premises. Dr. Norris asked if Ms. Erickson was stating that there was not a single piece of paper on the premises concerning the animals at the facility. Ms. Erickson repeated that there was no paperwork present. During previous FCIs, the records for the animals on the premises were kept in 3-ring binders on the shelf area behind the counter. Dr. Norris observed that those 3-ring binders were not present during the administrative warrant inspection, and that area was now cluttered with other materials; and
- g. There was a pile of papers on the counter. Ms. Erickson stated that those papers concerned the adoption of animals, but all of those animals were gone and not on the premises. Dr. Norris explained that she would review some of the paperwork.

16. The review of the only paperwork at the facility showed the following:

- a. There was a list of PAWS volunteers that signed in when they arrived at the facility. The list contained the names of the two persons that were present at the time AWS arrived. The list noted any animal care and cleaning tasks completed by the volunteers at the facility;
- b. The paperwork reviewed from the stack of adoption/sale papers noted intake of owner surrendered animals, surrender of stray animals, reclaim by owner of stray animals and other similar documentation; and
- c. The only other paperwork concerning animals on the premises that was found were 2 intake forms from Anson County Shelter beneath an unlabeled medication bottle and used syringe. The photographs on the intake forms appeared to match two of the kittens in the cage underneath the paperwork.

17. AWS reviewed the social media postings of cats and kittens for adoption/sale by the person and organizations listed above and was able to visibly match several of the postings with animals physically present in the facility during the inspection allowed by the administrative warrant on September 1, 2020.

Based on the findings of the investigation, it appears that the facility at 190 N Broad Street may be operating as a pet shop as defined by the NC Animal Welfare Act. This facility has operated in the past as an animal shelter until its registration was revoked by AWS for repeated and severe violations of the AWA. It appears that Ms. Erickson is continuing to house and intake and/or acquire animals at this facility for the purpose of resale/adoption to the public. It also appears that Ms. Erickson is actively seeking to avoid regulation by the AWA by arbitrarily reassigning ownership of the animals between several businesses created by Ms. Erickson that allege to operate on the facility's premises and herself, - who is the registered agent and/or owner/operator of all of these businesses.

According to N.C. General Statute ("N.C.G.S.") § 19A-23(12), a pet shop is defined as "a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades, or offers to sell or trade such animals to the general public at retail

or wholesale." Pursuant to N.C.G.S. § 19A-27, "[n]o person shall operate a pet shop unless a license to operate such establishment shall have been granted by the [AWS] Director." AWS has not granted any person or organization a license to operate at pet shop at 190 N. Broad Street, Brevard, NC facility.

Pursuant to N.C.G.S. § 19A-33, [o]peration of a pet shop without a currently valid license shall constitute a Class 3 misdemeanor, . . ."

Furthermore, pursuant to N.C.G.S. § 19A-26, "[n]o person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the [AWS] Director." No person or organization currently holds a valid a certificate of to operate a pet shop at the 190 N. Broad Street, Brevard, North Carolina facility. AWS revoked this facility's certificate of registration due to the number and severity of the facility's violations of the AWA and its associated rules. Additionally, pursuant to N.C.G.S. § 19A-30:

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

Continued or future violation of the statutes or regulations referenced in this letter will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto and may result in action against a facility's license or application for a license pursuant to N.C.G.S. § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation pursuant to N.C.G.S. § 19A-40.

Your attention to this matter is appreciated.

Sincerely,

Handwritten signature of Patricia Norris in black ink, followed by the text "DVM, MS".

Patricia Norris, DVM, MS
Director, Animal Welfare Section

cc: R. Douglas Meckes, DVM, State Veterinarian
Tina Hlabse, General Counsel, NCDA&CS
Joe Reardon, Assistant Commissioner, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Tiffany Bolling
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Pisgah Animal Welfare Society (PAWS), Inc
7123 Asheville Highway
Pisgah Forest, NC 28768

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-23. Definitions.

For the purposes of this Article, the following terms, when used in the Article or the rules or orders made pursuant thereto, shall be construed respectively to mean:

(12) "Pet shop" means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 19A-27. License required for operation of pet shop.

No person shall operate a pet shop unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license shall be for the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense.